

DEC 8 11 04 AM '97

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),	)	MM Docket No. 97-32
Table of Allotments,	)	RM-8931
FM Broadcast Stations.	)	RM-9065
(Calico Rock and Leslie, Arkansas)	)	

REPORT AND ORDER  
(Proceeding Terminated)

Adopted: November 5, 1997

Released: December 5, 1997

By the Chief, Allocations Branch:

1. Before the Commission for consideration is the *Notice of Proposed Rule Making* ("Notice"), 12 FCC Rcd 1800 (1997), issued in response to a petition filed on behalf of Sugarloaf Broadcasting ("petitioner") proposing the allotment of FM Channel 246A to Calico Rock, Arkansas, as that community's first local aural transmission service. Petitioner filed comments in support of the *Notice*. A counterproposal was filed on behalf of Leslie Broadcasters ("LB") (RM-9065).<sup>1</sup> No other comments were received.

2. In its counterproposal LB seeks the allotment of Channel 246C2 to the incorporated community of Leslie, Arkansas (pop. 446),<sup>2</sup> as its first local aural transmission service. In support of its proposal LB states that as neither of the proposals under consideration would provide a first or second aural service, but each would provide a first local service to either community, the respective proposals must be evaluated under allotment priority four ("other public interest matters") as set forth in the *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). Accordingly, LB asserts that the requested allotment of Channel 246C2 at Leslie, Arkansas would provide service to 46,683 more persons within the projected 60 dBu contour than would the allotment of Channel 246A at Calico Rock. In light of the substantial difference in population to be served, LB urges that its proposal would result in a preferential arrangement of allotments and represents a more efficient use of the frequency spectrum. LB adds that if Channel 246C2 is allotted to Leslie, Arkansas, as requested, it will promptly file an application for a construction permit to build the new station.

3. While we believe that each community is deserving of a first local FM service, a staff frequency search reveals that Channel 246 is the only channel available to either Calico Rock or Leslie, Arkansas. Therefore, our decision must be premised on the allotment criteria

<sup>1</sup>Public notice of the counterproposal was given on April 2, 1997 (Report No. 2184).

<sup>2</sup>Population figures reported herein were taken from the 1990 U.S. Census.

specified in the *Revision of FM Assignment Policies and Procedures*, *supra*, as follows:

- (1) First full-time aural service;
- (2) Second full-time aural service;
- (3) First local service; and
- (4) Other public interest matters.

[Co-equal weight is given to priorities (2) and (3)].

The allotment of Channel 246 to either Calico Rock or Leslie would not provide any first or second full-time aural service but would provide a first local service, thus fulfilling priority (3). Therefore, our decision must consider other public interest factors (priority (4)). In this regard, a comparison of reception services reveals that each community receives at least five full-time aural services and are both considered to be well served. Although LB has represented an interest in maximizing coverage to provide a first local service to Leslie, as well as to a substantially larger population within its projected 60 dBu contour, our decision in this case is based on the size of the communities and not on the potential service area represented by the requested Class C2 allotment at Leslie, Arkansas, *vis-a-vis* the Class A proposal at Calico Rock. As a result, since Calico Rock (population 938) is larger than Leslie (population 446), we believe the public interest would be served by allotting Channel 246A to the more populous community. See *St. Marks and Woodville, Florida*, 12 FCC Rcd 11957 (1997), and cases cited therein.

4. As stated in the *Notice*, Channel 246A can be allotted to Calico Rock, Arkansas, consistent with the minimum distance separation requirements of Section 73.207(b)(1) of the Commission's Rules, provided the transmitter is sited at least 4.1 kilometers (2.5 miles) west of the community at coordinates 36-05-01 and 92-09-26.<sup>3</sup>

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective January 20, 1998, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED to include the community listed below, as follows:

<u>City</u>	<u>Channel No.</u>
Calico Rock, Arkansas	246A

6. A filing window for Channel 246A at Calico Rock, Arkansas, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

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<sup>3</sup>The site restriction is required to avoid a short-spacing to the licensed site of Station KXOZ(FM), Channel 245C2, Mountain View, Missouri, at coordinates 36-59-29 and 91-47-41.

7. IT IS FURTHER ORDERED, That the counterproposal filed on behalf of Leslie Broadcasters (RM-9065) requesting the allotment of Channel 246C2 at Leslie, Arkansas, IS DENIED.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
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